

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 3:16CR51-HTW-FKB

TERESA K. MALONE

ORDER DENYING CONTINUANCE

This cause comes before the Court on the Defendant's motion seeking a continuance of the sentencing hearing scheduled for May 24, 2019, at 2:00 p.m. Counsel for the Government does not oppose this continuance. [**Docket no. 36**]. "Trial judges have broad discretion in deciding requests for continuances[.]" *United States v. Barton*, 526 F. App'x 360, 362 (5th Cir. 2013). "[U]nder the Speedy Trial Act, criminal matters take precedence." *Garcia v. LQ Props., Inc.*, 2018 U.S. Dist. LEXIS 1074, at *10 (N.D. Tex. Jan. 3, 2018) (Citing 18 U.S.C. § 3161 *et seq.*)

This court has previously set this matter for a sentencing hearing on multiple occasions, only to have defendant ask for a continuance for various reasons. The instant sentencing hearing has been set since April 29, 2019. Counsel for the defendant filed his motion to continue on May 1, 2019, citing two reasons: a graduation ceremony; and five (5) depositions that he intends to take on that date. This court will make an allowance for the graduation ceremony but not for defendant's attorney's civil depositions. Accordingly, defendant will inform this court if she wishes to move the sentencing hearing time to an earlier time, but not a different date.

IT IS, THEREFORE, ORDERED that defendant's Motion to Continue [**Docket no. 36**] is hereby **DENIED**.

SO ORDERED this the 23rd day of May, 2019.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE